

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

ALBERT SNYDER,
Plaintiff

v.

FRED W. PHELPS, SR.,
SHIRLEY L. PHELPS-ROPER;
REBEKAH A. PHELPS-DAVIS; and
WESTBORO BAPTIST CHURCH, INC.
Defendants

Civil Action No. 06-CV-1389 RDB

**PLAINTIFF'S MOTION IN LIMINE TO PREVENT DEFENDANT WESTBORO
BAPTIST CHURCH, INC. FROM CHANGING ITS CORPORATE DESIGNEE**

Plaintiff, Albert Snyder, by and through counsel, files the within Motion in Limine to Prevent Defendant Westboro Baptist Church, Inc., from Changing Corporate Designees.

1. On November 28, 2007, this Honorable Court ordered that all parties attend trial.

(Doc. No. 31)

2. Subsequently, Defendant Westboro Baptist Church, Inc. (hereinafter "WBC") designated Tim Phelps as its corporate designee. Thereafter, Mr. Phelps was deposed as a corporate designee.

3. Subsequently, Plaintiff requested that WBC confirm that Mr. Timothy B. Phelps would be present for trial and the corporate designee would not be changed.

4. Motions in Limine are due October 15, 2007.¹

5. As of this date, WBC has not confirmed that it will not switch corporate designees.

¹ Plaintiff filed other motions in limine and incorrectly identified October 5, 2007 as the due date for the same. This Honorable Court previously ordered that motions in limine be filed before the pretrial conference, which is scheduled for October 15, 2007.

6. Plaintiff has not designated any portions of the corporate designee's deposition transcript to be used at trial pursuant to Fed.R.Civ.P. 32(a)(4). No testimony was designated pursuant to the aforementioned Rule because Plaintiff anticipated that the corporate designee would not be changed - especially at this late date.

7. In the event that Mr. Tim Phelps remains the corporate designee, Plaintiff does not anticipate that any portion of the deposition will be utilized pursuant to Fed.R.Civ.P. 32(a)(4).

8. If WBC is permitted to switch its corporate designee at this late stage of the proceedings, Plaintiff will request a reasonable degree of latitude concerning designating portions of Mr. Tim Phelps' deposition to be offered pursuant to Fed.R.Civ.P. 32(a)(4).

9. If WBC confirms that Mr. Tim Phelps will participate in trial as the corporate designee, Plaintiff will withdraw the within motion.

WHEREFORE, Plaintiff Albert Snyder respectfully requests that this Honorable Court preclude Defendant Westboro Baptist Church, Inc., from switching its corporate designee and Order that corporate designee Tim Phelps be present for trial.

BARLEY SNYDER LLC

/s/ Sean E. Summers

By: _____

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CERTIFICATE OF SERVICE

I hereby certify that on this date true and correct copies of Plaintiff's Motion in Limine to Prevent Defendant Westboro Baptist Church, Inc. from Changing Corporate Designee are being served in the following manner:

Via ECF:

Jonathan L. Katz, Esquire
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1400 Spring Street
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Via First Class Mail:

Shirley L. Phelps-Roper
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Date: October 8, 2007